REMARKS

All the claims presented for examination in this application have been rejected on formal and/or substantive grounds. Applicants have amended their claims and respectfully submit that all the claims currently in this application are patentable over the rejection of record.

Turning first to the formal ground of rejection imposed in the outstanding Official Action, Claim 4 stands rejected, under 35 U.S.C. §112, second paragraph, as being indefinite.

The Official Action avers that the phrase "approximately" renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention.

The Official Action, imposing this formal ground of rejection, relies, as authority, on MPEP §2173.05(d). That portion of the Manual Patent Examining Procedure, rather than sustaining this ground of rejection, emphasizes the definiteness of the allegedly indefinite term, "approximately." Attention is directed to the discussion of the word "about" in MPEP §2173.05(b). That term is mentioned as being held to be clear. Ex parte Eastwood, 163 USPQ 316(PTO Bd. App. 1968); W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

Indeed, the Board of Appeals has stated that the use of such terms as "about" and "approximately" do not subject claims to rejection for failure to define the invention with required particularity. Ex parte Shelton, 92 USPQ 374, 375 (PTO Bd. App. 1950).

As stated in Shelton, in which the term was used preceding temperature recitations, that term was acceptable in the sense that a few degrees more or less than the stated temperature would not have any effect. So it is in the present application, a weight ratio that

is slightly more or less than 5:1 does not adversely affect the result obtained. Reconsideration and removal of this ground of rejection is therefore deemed appropriate. Such action is respectfully urged.

All the claims submitted for examination in this application has been rejected on substantive grounds. Specifically, Claims 1, 3-20, 29 and 33, all the claims examined on the merits, stand rejected, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent 6,080,761 to Chahwala et al. taken in view of U.S. Patent 6,333,342 to Foster and in further view of Budavari et al.

Suffice it to say, the Official Action suggests that the limitation of current Claim 3, wherein the weight ratio of R(+) enantiomer of amlodipine to S(-) enantiomer of amlodipine is in the range of between 2:1 and 8:1, provide a maximized NO-induced effect of the R(+) isomer of amlodipine while still providing the antihypertensive effect of the S(-) isomer of amlodipine. The Official Action strongly suggest that if that limitation were inserted into the broadest claim of the present application the claims of the present application would be in condition for allowance.

Applicants have amended Claim 1 to introduce therein the limitation of present Claim 3. As such, the limitation which the Official Action admits predicates patentability of the claims of the present application is present in all the claims of the present application. Reconsideration and removal of this ground of rejection is therefore deemed appropriate. Such action is respectfully urged.

The introduction of the limitation of Claim 3 into independent Claim 1 makes Claim 3 redundant. Therefore, Claim 3 has been cancelled.

It is noted that minor non-substantive grammatical errors in Claims 9, 18 and 19 have

been corrected.

The above amendment and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage to issue of these claims, Claims 1, 4-20, 29 and 33, is therefore respectfully solicited.

Respectfully submitted,

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